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OF COUNSEL:  
 CARLOS A. FISHER\*

LAW OFFICES OF  
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\*PROFESSIONAL CORPORATION  
 \*\*ADMITTED IN MASSACHUSETTS -  
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OUR FILE NO.

NEOME-019A2US

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AUG 07 2006

**FACSIMILE COVER SHEET**

Date: August 7, 2006

To: Commissioner for Patents  
 Alexandria, VA 22313-1450

Facsimile: 571-273-8300

Re: U.S. Patent Application No. 10/560,265  
 Int. Patent Application No. PCT/US04/18482  
 Inventor(s): Mittelstein et al.  
 "Electrosurgical Devices and Methods for Selective Cutting of Tissue"

From: Robert D. Buyan

Total No. of Pages: 20 (including this form). Please notify us immediately if you have not received all pages.

Attached: Communication (2 pgs.)  
 Response to Notification of Missing Requirements – Transmittal Letter (corrected) (2 pgs.)  
 Copy of Response to Notification of Missing Requirements submitted on August 2, 2006 (16 pgs.)

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AUG 07 2006

Atty. Docket No.: NEOME-019A2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mittelstein et al. )  
U.S. App. No.: 10/560,265 )  
Int. App. No.: PCT/US04/18482 )  
For: Electrosurgical Devices and Methods )  
for Selective Cutting of Tissue )

) Art Unit: Unassigned

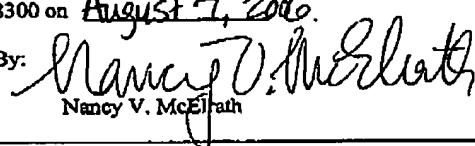
) ) Examiner: Unassigned

)

CERTIFICATE OF  
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I hereby certify that this document is being transmitted by facsimile to the Commissioner for Patents, Alexandria, VA 22313-1450 at (703)273-8300 on August 7, 2006.

By:

  
Nancy V. McElrath

## COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In connection with the Response to the Notification of Missing Requirements submitted on August 2, 2006 for U.S. Application No. 10/560,266 (PCT/US04/18483) (copy enclosed), enclosed herewith is a corrected Transmittal Letter indicating the correct U.S. Application Number (10/560,265) and correct International Application Number (PCT/US04/18482).

Applicant respectfully requests that the Response to the Notification of Missing Requirements submitted on August 2, 2006 for U.S. Application No. 10/560,266 be treated as a Response to Notification of Missing Requirements for U.S. Application No. 10/560,265.

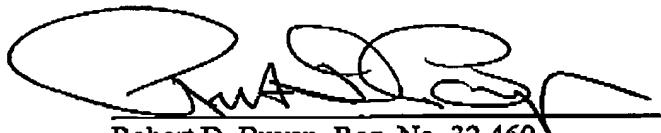
Atty. Docket No.: NEOME-019A2US

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment of the filing fees required under 37 CFR §1.16 and any patent application processing fees required under 37 CFR 1.17 to Deposit Account No.50-0878.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP

Date: Aug. 7, 2006



Robert D. Buyan, Reg. No. 32,460

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AUG 07 2006

Atty. Docket No.: NEOME-019A2US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mittelstein et al. ) Art Unit: Unassigned  
)  
U.S. App. No.: 10/560,265 ) Examiner: Unassigned  
)  
Int. App. No.: PCT/US04/18482 )  
)  
For: Electrosurgical Devices and Methods )  
for Selective Cutting of Tissue )

CERTIFICATE OF  
FACSIMILE TRANSMISSION

I hereby certify that this document is being transmitted by facsimile to the Commissioner for Patents, Alexandria, VA 22313-1450 at (571)273-8300 on August 2, 2006.

By:

Nancy V. McElrath

Response to Notification of Missing Requirements  
Transmittal Letter

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed May 2, 2006:

- Enclosed is a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pgs.).
- Enclosed is a Declaration of Inventorship and Limited Power of Attorney (2 pgs.).
- Enclosed is a Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by Assignee (1 pg.).
- Enclosed is a copy of the recorded Assignment (6 pgs.).
- Applicant hereby claims small entity status.

Atty. Docket No.: NEOME-019A2US

- Applicant hereby petitions for a one-month extension of time to respond to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).
- The Commissioner is hereby authorized to charge the one-month extension fee (\$60) and the surcharge (\$65) and any underpayment or credit any overpayment of the filing fees required under 37 CFR §1.16 and any patent application processing fees required under 37 CFR 1.17 to Deposit Account No.50-0878.

Respectfully submitted,

STOUT, UXA, BUYAN &amp; MULLINS, LLP

Date: August 2, 2006

---

Robert D. Buyan, Reg. No. 32,460

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Irvine, CA 92618  
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TO:Auto-reply fax to +949 450 1764 COMPANY:



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AUG 07 2006

TO: Fax Sender at +949 450 1764

Fax Information  
Date Received: 8/2/2006 1:11:50 PM [Eastern Daylight Time]  
Total Pages: 14 (including cover page)

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Received  
Cover  
Page

ADDITION	ITEM	ITEM	ITEM	ITEM	ITEM	ITEM
RECEIVED BY: ROBERT D. BUYAN ROBERT D. BUYAN & MULLINS, LLP 1000 PENNSYLVANIA AVENUE NORTH, SUITE 1000 WASHINGTON, D.C. 20004-2213 TELEPHONE: (202) 571-2733 FAX: (202) 571-2730 E-MAIL: RBUYAN@STOUT.COM	LAW OFFICES OF: STOUT, UXA, BUYAN & MULLINS, LLP 1000 PENNSYLVANIA AVENUE, NORTH SUITE 1000 WASHINGTON, D.C. 20004-2213 TELEPHONE: (202) 571-2733 FAX: (202) 571-2730	ADDRESS, CITY/STATE: ALBUQUERQUE, NEW MEXICO 87501-3000				
RECEIVED BY: ROBERT D. BUYAN ROBERT D. BUYAN & MULLINS, LLP 1000 PENNSYLVANIA AVENUE NORTH, SUITE 1000 WASHINGTON, D.C. 20004-2213 TELEPHONE: (202) 571-2733 FAX: (202) 571-2730 E-MAIL: RBUYAN@STOUT.COM	RECEIVED BY: ROBERT D. BUYAN ROBERT D. BUYAN & MULLINS, LLP 1000 PENNSYLVANIA AVENUE NORTH, SUITE 1000 WASHINGTON, D.C. 20004-2213 TELEPHONE: (202) 571-2733 FAX: (202) 571-2730 E-MAIL: RBUYAN@STOUT.COM	ADDRESS, CITY/STATE: ALBUQUERQUE, NEW MEXICO 87501-3000				
<b>FACSIMILE COVER SHEET</b>						
DATE: August 2, 2006						
TO: Commissioner for Patents Alexandria, VA 22313-1450						
FAXNUMBER: 571-273-2100						
RE: U.S. Patent Application No. 10/940,266 Int'l. Patent Application No. PCT/US04/18483 Inventor(s): Minalwala et al. "Devices and Methods Usable for Treatment of Glaucoma and Other Surgical Problems"						
FROM: Robert D. Buyan						
TOTAL NO. OF PAGES: 14 (including this form). Please notify us immediately if you have not received all pages.						
ATTACHMENT:	Response to Notification of Missing Requirements (2 pgs.) Copy of Notification of Missing Requirements (2 pgs.) Declaration of Invention and Labeled Power of Attorney (2 pgs.) Statement of Ownership (37 CFR 1.73(b)) and Power of Attorney by Assignee (1 pg.) Copy of revised Assignment (6 pgs.)					
<small>THIS DOCUMENT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND IS CONFIDENTIAL INFORMATION. IT IS NOT TO BE COPIED OR DISCLOSED TO OTHERS UNLESS APPROVED IN WRITING BY THE UNITED STATES PATENT AND TRADEMARK OFFICE. IF THE NUMBER OF REBROADCASTS IS NOT IDENTIFIED IN THE DOCUMENT, IT IS AUTOMATICALLY PROHIBITED FROM BEING REBROADCAST. IF YOU RECEIVE THIS DOCUMENT BY FAX, PLEASE CALL THE NUMBER PROVIDED ON THE DOCUMENT TO CONFIRM WHETHER IT IS A REBROADCAST. IF YOU HAVE RECEIVED THIS DOCUMENT BY FAX, PLEASE CALL THE NUMBER PROVIDED ON THE DOCUMENT TO CONFIRM WHETHER IT IS A REBROADCAST. THIS DOCUMENT IS NOT A REBROADCAST.</small>						
PAGE 104 * RCV'D AT 8/7/2006 8:37:04 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/1 * DNIS:2738300 * CSID:+949 450 1764 * DURATION (mm:ss):03:40						

## MEMORY TRANSMISSION REPORT

PAGE : 001  
 TIME : AUG-02-06 10:05AM  
 TEL NUMBER1: +949-450-1764  
 TEL NUMBER2: +949-450-1764  
 E-MAIL :  
 NAME : Stout,Uxa,Buyan & Mullins 0500

FILE NUMBER : 124  
 DATE : AUG-02 10:01AM  
 TO : 2515712738300  
 DOCUMENT PAGES : 014  
 START TIME : AUG-02 10:01AM  
 END TIME : AUG-02 10:05AM  
 SENT PAGES : 014  
 STATUS : OK

FILE NUMBER : 124                    \*\*\* SUCCESSFUL TX NOTICE \*\*\*

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 COUNSEL  
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## FACSIMILE COVER SHEET

Date: August 2, 2006  
 To: Commissioner for Patents  
 Alexandria, VA 22313-1450  
 Facsimile: 571-273-2300  
 Re: U.S. Patent Application No. 10/360,266  
 Int. Patent Application No. PCT/US04/18483  
 Inventor(s): Mitzelstein et al.  
 "Devices and Methods Usable for Treatment of Glaucoma and Other  
 Surgical Problems"  
 From: Robert D. Buyan  
 Total No. of Pages: 14 (including this form). Please notify us immediately if you have not  
 received all pages.  
 -----  
 Attached: Response to Notification of Missing Requirements (2 pgs.)  
 Copy of Notification of Missing Requirements (2 pgs.)  
 Declaration of Inventorship and Limited Power of Attorney (2 pgs.)  
 Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by  
 Assignee (1 pg.)  
 Copy of recorded Assignment (6 pgs.)

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FRANK J. UXA, JR.\*  
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DONALD E. STOUT  
KENTON R. MULLINS  
LINDA ALLYSON FOX  
JENNIFER K. ROSENFIELD\*\*

OF COUNSEL:  
CARLOS A. FISHER\*

LAW OFFICES OF  
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\*PROFESSIONAL CORPORATION  
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NOT ADMITTED IN CALIFORNIA

OUR FILE NO.

NEOME-019A2US

## **FACSIMILE COVER SHEET**

Date: August 2, 2006

To: Commissioner for Patents  
Alexandria, VA 22313-1450

Facsimile: 571-273-8300

Re: U.S. Patent Application No. 10/560,266  
Int. Patent Application No. PCT/US04/18483  
Inventor(s): Mittelstein et al.  
"Devices and Methods Useable for Treatment of Glaucoma and Other  
Surgical Problems"

From: Robert D. Buyan

Total No. of Pages: 14 (including this form). Please notify us immediately if you have not  
received all pages.

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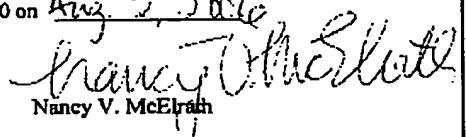
Attached: Response to Notification of Missing Requirements (2 pgs.)  
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Declaration of Inventorship and Limited Power of Attorney (2 pgs.)  
Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by  
Assignee (1 pg.)  
Copy of recorded Assignment (6 pgs.)

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Atty. Docket No.: NEOME-019A2US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mittelstein et al. ) Art Unit: Unassigned  
)  
U.S. App. No.: 10/560,266 ) Examiner: Unassigned  
)  
Int. App. No.: PCT/US04/18483 )  
)  
For: Devices and Methods Useable for )  
Treatment of Glaucoma and Other )  
Surgical Procedures )

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>	
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By:	 Nancy V. McElrath

**Response to Notification of Missing Requirements  
Transmittal Letter**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed May 2, 2006:

- Enclosed is a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pgs.).
- Enclosed is a Declaration of Inventorship and Limited Power of Attorney (2 pgs.).
- Enclosed is a Statement of Ownership (37 CFR 3.73(b)) and Power of Attorney by Assignee (1 pg.).
- Enclosed is a copy of the recorded Assignment (6 pgs.).
- Applicant hereby claims small entity status.

Atty. Docket No.: NEOME-019A2US

- ☒ Applicant hereby petitions for a one-month extension of time to respond to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).
- ☒ The Commissioner is hereby authorized to charge the one-month extension fee (\$60) and the surcharge (\$65) and any underpayment or credit any overpayment of the filing fees required under 37 CFR §1.16 and any patent application processing fees required under 37 CFR 1.17 to Deposit Account No.50-0878.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP

Date: August 1, 2006



Robert D. Buyan, Reg. No. 32,460

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Irvine, CA 92618  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 07 2006

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/560,265	Michael Minclstein	NEOME-019A2US
INTERNATIONAL APPLICATION NO.		
PCT/US04/18482		
I.A. FILING DATE	PRIORITY DATE	
06/10/2004	06/10/2003	

Robert D Buyan  
Stout Uxa Buyan & Mullins  
4 Venture  
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Irvine, CA 92618

5/15/06  
JL

CONFIRMATION NO. 3349  
371 FORMALITIES LETTER  
  
 OC000000018652026

Date Mailed: 05/02/2006

*Response Due 7/2/06*

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/09/2005
- Copy of the International Search Report filed on 12/09/2005
- Copy of IPE Report filed on 12/09/2005
- U.S. Basic National Fees filed on 12/09/2005
- Priority Documents filed on 12/09/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

FREDERICK SMITH

---

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,265	PCT/US04/18482	NEOME-019A2US

FORM PCT/DO/EO/905 (371 Formalities Notice)